

**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 3935
OFFERED BY MR. OWENS OF UTAH**

At the end of subtitle A of title IV, add the following:

1 **SEC. ____ . ADDITIONAL WITHIN AND BEYOND PERIMETER**
2 **SLOT EXEMPTIONS AT RONALD REAGAN**
3 **WASHINGTON NATIONAL AIRPORT.**

4 (a) INCREASE IN NUMBER OF SLOT EXEMPTIONS.—
5 Section 41718 of title 49, United States Code, is amended
6 by adding at the end the following new subsection:

7 “(i) ADDITIONAL SLOT EXEMPTIONS.—

8 “(1) INITIAL INCREASE IN SLOT EXEMP-
9 TIONS.—Not later than 90 days after the date of en-
10 actment of this subsection, the Secretary shall grant,
11 by order, 28 exemptions from—

12 “(A) the application of sections
13 49104(a)(5), 49109, and 41714 to air carriers
14 to operate limited frequencies and aircraft on
15 routes between Ronald Reagan Washington Na-
16 tional Airport and airports located within or be-
17 yond the perimeter described in section 49109;
18 and

1 “(B) the requirements of subparts K, S,
2 and T of part 93, Code of Federal Regulations.

3 “(2) INCREMENTAL DCA SLOT ALLOCATIONS.—
4 Of the 28 initial slot exemptions made available
5 under paragraph (1), the Secretary shall make 20
6 available to incumbent air carriers qualifying for sta-
7 tus as a non-limited incumbent carrier and 8 avail-
8 able to incumbent carriers qualifying for status as a
9 limited incumbent carrier at Ronald Reagan Wash-
10 ington National Airport as of the date of enactment
11 of this subsection. Each such air carrier—

12 “(A) may operate up to a maximum of 4
13 of the newly authorized slot exemptions;

14 “(B) shall have sole discretion concerning
15 the use of an exemption made available under
16 paragraph (1), including the initial or any sub-
17 sequent within or beyond perimeter destinations
18 to be served; and

19 “(C) shall file a notice of intent with the
20 Secretary and subsequent notices of intent,
21 when appropriate, to inform the Secretary of
22 any change in circumstances concerning the use
23 of any exemption made available under para-
24 graph (1).

1 “(3)(A) SUBSEQUENT INCREASE IN SLOT EX-
2 EMPTIONS.—Not later than 180 days following the
3 Secretary’s grant of the 28 initial slot exemptions
4 under paragraph (1), the Secretary shall grant, by
5 order, an additional 28 slot exemptions, 20 of which
6 shall be made available to incumbent air carriers
7 qualifying for status as a non-limited incumbent car-
8 rier, and 8 of which shall be made available to in-
9 cumbent carriers qualifying for status as a limited
10 incumbent carrier at Ronald Reagan Washington
11 National Airport as of the date of enactment of this
12 subsection.

13 “(B) CONDITIONS.—These additional 28 slot
14 exemptions shall be subject to the same terms and
15 conditions specified under paragraph (2).

16 “(C) EXCEPTION.—These additional 28 slot ex-
17 emptions shall not be allocated to air carriers by the
18 Secretary if, prior to the expiration of the 180 day
19 period referenced in this paragraph, the Adminis-
20 trator of the Federal Aviation Administration pub-
21 lishes a report concluding definitively that Ronald
22 Reagan Washington National Airport cannot accom-
23 modate 28 additional each-way flights on a rep-
24 resentative day without materially and adversely im-
25 pacting congestion in the national airspace system

1 generally and flight delays and cancellations at DCA
2 specifically.

3 “(D) NO IMPACT ON INITIAL 28 SLOT EXEMP-
4 TIONS.—Any adverse findings by the FAA under
5 paragraph (3)(C) shall not have any impact on the
6 initial 28 slot exemptions granted under paragraph
7 (1).

8 “(4) NOTICES OF INTENT.—Notices of intent
9 under paragraph (2)(C) shall specify the within or
10 beyond perimeter destinations to be served.

11 “(5) CONDITIONS.—Flight operations carried
12 out by an air carrier using an exemption granted
13 under this subsection shall be subject to the fol-
14 lowing conditions:

15 “(A) An air carrier granted an exemption
16 under this subsection is prohibited from trans-
17 ferring the rights to its slot exemptions pursu-
18 ant to section 41714(j).

19 “(B) The exemptions granted under para-
20 graphs (2) and (3)—

21 “(i) may not be for operations be-
22 tween the hours of 10:00 p.m. and 7:00
23 a.m.; and

24 “(ii) may not increase the number of
25 operations at Ronald Reagan Washington

1 National Airport in any 1-hour period dur-
2 ing the hours between 7:00 a.m. and 9:59
3 p.m. by more than 8 operations.”.

4 (b) PRESERVATION OF EXISTING WITHIN-PERIM-
5 ETER AIR SERVICE.—In recognition of the importance of
6 preserving existing air service between Ronald Reagan
7 Washington National Airport and within-perimeter air-
8 ports and communities, and for the avoidance of doubt,
9 none of the provisions in this subsection shall be construed
10 to authorize any limited incumbent or non-limited incum-
11 bent carrier holding slots or slot exemptions at Ronald
12 Reagan Washington National Airport as of the date of en-
13 actment of this subsection to use an existing within-perim-
14 eter slot to serve an airport beyond the perimeter de-
15 scribed in section 49109.

16 (c) CONFORMING AMENDMENTS.—Section 41718 of
17 title 49, United States Code, is amended—

18 (1) in subsection (c)(2)—

19 (A) in subparagraph (A)—

20 (i) in clause (i), by inserting “or (i)(2)
21 or (i)(3)” after “(g)(2)”; and

22 (ii) in clause (ii), by striking “and
23 (g)” and inserting “(g), and (i)”; and

24 (B) in subparagraph (B), by inserting “or
25 (i)(2) or (i)(3)” after “(g)(3)”; and

- 1 (2) in subsection (h)(1), by inserting “or (i)”
- 2 after “subsection (g)”.

